

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-NINTH DAY (CONTINUED) — THURSDAY, APRIL 6, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 137).

Present — Mr. Speaker; Alexander; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Price.

Absent — Allen; Coleman.

The invocation was offered by Reverend Bob Bullock, associate pastor, Westlake Hills Presbyterian Church, Austin, as follows:

Lord of Heaven and of Earth, we thank you for the high calling to public office. We give you the praise of our minds and hearts that you care deeply about the people of the great State of Texas. You have called these gathered before you to govern in the people's behalf, to make laws that are both just and good for all. Empower them, I pray, by your Spirit's presence to trust and listen to you as you guide them this day in your kind providence. In Your Most Holy Name, amen.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Price on motion of Edwards.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bill:

HB 666

CAPITOL PHYSICIAN

Speaker Laney presented Dr. John Blackburn of San Antonio as the "Doctor for the Day."

The house welcomed Dr. Blackburn and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Speaker pro tempore in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The chair laid before the house the following memorial resolutions:

SCR 100 (Patterson - House Sponsor), Paying tribute to the life of Louis Booth Williams.

By Ramsay,

HR 473, In memory of Chief Deputy Bobby Biggerstaff.

By Black,

HR 484, In memory of Thelma Fletcher.

By Saunders,

HR 486, In memory of Egon E. Tietjen.

The resolutions were unanimously adopted by a rising vote.

The chair laid before the house the following congratulatory resolutions:

SCR 97 (Berlanga - House Sponsor), Expressing appreciation to the partners and supporters of Operation: Defeat Diabetes in Corpus Christi.

SCR 111 (Patterson - House Sponsor), Commending William Bradford for his many contributions to his state and to the Texas broadcasting industry.

SCR 112 (Gallego - House Sponsor), Proclaiming April 12, 1995, Happy Shahan Day.

By Chisum,

HCR 146, Congratulating John Q. and Martha M. Holt on their 50th wedding anniversary.

By Park,

HR 467, Commending Bill Brown on the occasion of his retirement.

By Park,

HR 468, Commending Hulin H. "Hoot" Smith on the occasion of his retirement.

By Pitts,

HR 471, Commending Joe Grubbs for his contributions to the people of Waxahachie and Ellis County.

By Black,

HR 475, Congratulating Glen and Mera Cox on their 50th wedding anniversary.

By Giddings,

HR 476, Honoring Milton Tobian for his many years of community service.

By Danburg,

HR 482, Commemorating the 20th anniversary of the University of Houston Child Care Center.

By Patterson,

HR 487, Commending the Court of Criminal Appeals.

By Alonzo,

HR 488, Commemorating the observance of 1995 Cinco de Mayo festivities.

By Greenberg,

HR 494, Granting Bluebonnet Girls State permission to use the chamber of the House of Representatives.

By Laney,

HR 497, Congratulating the Sudan Hornettes basketball team.

By Laney,

HR 498, Congratulating the Sudan Hornets on winning the boys' Class A state basketball championship.

The resolutions were adopted without objection.

HR 514 - ADOPTED

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 514**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Ogden,

HR 514, Designating April 6, 1995, as Student-Athlete Day.

The resolution was adopted without objection.

(Coleman now present)

CONSENT BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

CSSB 253 (Janek - House Sponsor), A bill to be entitled An Act relating to meetings of the Commissioners Court of Harris County.

SB 315 (Holzheuser - House Sponsor), A bill to be entitled An Act relating to the testing of gas well deliverability and pressure.

LOCAL BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

SB 584 (Hartnett - House Sponsor), in lieu of **HB 1236**, A bill to be entitled An Act relating to the authority of Dallas County Utility and Reclamation District to enter into tax abatement agreements, to designate reinvestment zones and to utilize all functions and procedures of Chapter 312, Tax Code; and validating prior elections and other actions and contracts.

Amendment No. 1

Representatives Hartnett and Rodriguez offered the following amendment to the bill:

Amend **SB 584** as follows:

(1) On page 2, line 25 and page 3, line 1, strike "the effective date of this Act" and substitute "March 1, 1995".

Amendment No. 1 was adopted.

Representative Hartnett moved to lay **HB 1236** on the table subject to call.

HB 2230, A bill to be entitled An Act relating to the election of commissioners of the Calhoun County Navigation District.

CONSENT BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

HB 160, A bill to be entitled An Act relating to the regulation of litter by certain counties.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Gutierrez, Representative G. Lewis offered the following committee amendment to the bill:

Amend **HB 160** as follows:

On page 1, lines 6 and 7 strike "with a population of 100,000 [~~one million~~] or more" and substitute "[~~with a population of one million or more~~]"

Amendment No. 1 was adopted without objection.

CSHB 200, A bill to be entitled An Act relating to the definition of professional surveying.

CSHB 475, A bill to be entitled An Act relating to the right to divert state water for irrigation of certain cemeteries.

CSHB 609, A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue to promote, encourage, or improve the arts.

(Allen now present)

CSHB 645, A bill to be entitled An Act relating to municipal approval of certain amending plats.

CSHB 674, A bill to be entitled An Act relating to the eligibility of certain persons to serve as members of an appraisal review board.

HB 767, A bill to be entitled An Act relating to the terms of court of the 142nd District Court.

HB 776, A bill to be entitled An Act relating to the acceptance of certain federal funds by the Texas Department of Insurance.

HB 1029, A bill to be entitled An Act relating to the operation and administration of the state unemployment compensation system.

HB 1030, A bill to be entitled An Act relating to extended benefits for unemployment compensation.

HB 1031, A bill to be entitled An Act relating to the collection of certain unpaid wages.

Amendment No. 1 (Committee Amendment No. 1)

Representative Oliveira offered the following committee amendment to the bill:

Amend **HB 1031**:

Delete the entire Section 1, and replace with the following new Section 1:
SECTION 1. Subchapter E. Chapter 61 Labor Code, is amended by adding Section 61.085 to read as follows:

Sec. 61.085. ASSIGNMENT OF LIEN. A lien securing wages due under this chapter may be assigned to the claimant, at the claimant's request.

Amendment No. 1 was adopted without objection.

HB 1187, A bill to be entitled An Act relating to the dissolution of the El Paso County Water Control and Improvement District—Westway, the provision of water supply and sewer services to the residents of the district after dissolution, and the rates charged for water and sewer service by the City of El Paso; validating certain actions of the district's board of directors.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Walker, Representative Pickett offered the following committee amendment to the bill:

Amend **HB 1187** by Pickett as follows:

On page 1, line 17, add the words "may be" after the word "as".

On page 2, line 11, add the words "may be" after the word "as".

On page 4, line 26, after the word "area;", delete the word "or" and add the word "and".

Amendment No. 1 was adopted without objection.

HB 1302, A bill to be entitled An Act relating to the powers of the Tanglewood Forest Municipal Utility District.

HB 1337, A bill to be entitled An Act relating to the provision by a public junior college of remedial programs for students enrolled in secondary schools in an independent school district in the junior college's service area.

HB 1393, A bill to be entitled An Act relating to the impaneling of a new jury after a jury fails to return a verdict.

HB 1475, A bill to be entitled An Act relating to counties authorized to employ a purchasing agent.

HB 1486, A bill to be entitled An Act relating to the juvenile board of Mitchell County.

HB 1600, A bill to be entitled An Act relating to changing the name of the El Paso County Lower Valley Water District Authority to the Lower Valley Water District.

CSHB 1736, A bill to be entitled An Act relating to termination of certain agreements between suppliers of and dealers in farm, industrial, and outdoor power equipment.

CSHB 1754, A bill to be entitled An Act relating to the authority to grant a waiver of the 72-hour waiting period for issuance of a marriage license.

HB 1800 was withdrawn.

CSHB 2062, A bill to be entitled An Act relating to the conversion to an elected board of certain mass transit authorities.

The chair postponed consideration of **CSHB 2062** until the end of the calendar.

HB 2096, A bill to be entitled An Act relating to the appointment of a special judge to preside in a justice court in Harris County.

HB 2171, A bill to be entitled An Act relating to changing the name of the Commission on Jail Standards.

HB 2173, A bill to be entitled An Act relating to the requirement of separating certain classes of inmates in a county jail.

HB 2183, A bill to be entitled An Act relating to the creation of a mass transit department in cities of a certain population.

HB 2373, A bill to be entitled An Act relating to recommendations to the legislature by the supreme court concerning appellate courts.

HB 2642, A bill to be entitled An Act relating to the administration, powers, duties, operation, and financing of the Canadian River Municipal Water Authority.

HB 2647, A bill to be entitled An Act relating to the rules for general application of the Texas Department of Insurance.

HB 2811 was withdrawn.

CSHB 2998, A bill to be entitled An Act relating to the composition of the Kaufman County Juvenile Board.

HB 3157, A bill to be entitled An Act relating to procedures for the removal, by a recall process, of members of the governing board of certain metropolitan rapid transit authorities.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

By Stiles,

HCR 53, Designating Seaport Coffee as the official State Coffee of Texas.

Amendment No. 1

Representatives Stiles and Rodriguez offered the following amendment to the resolution:

Amend **HCR 53** on page 2 by deleting lines 10 and 11 and substituting the following: "hereby designate Seaport Coffee as the official Family-Owned Coffee of the State of Texas."

Amendment No. 1 was adopted without objection.

The resolution, as amended, was adopted without objection.

By R. Lewis,

HCR 87, Authorizing the burial of J. Neal Miller, Jr., in the State Cemetery.

The resolution was adopted without objection.

CSHB 2062 - CONSENT BILLS CALENDAR

CSHB 2062 was read second time on the consent bills calendar and was postponed until this time.

CSHB 2062, A bill to be entitled An Act relating to the conversion to an elected board of certain mass transit authorities.

CSHB 2062 was passed to engrossment.

MESSAGE FROM THE SENATE

Austin, Texas, April 6, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 19 by Combs, commemorating the 75th anniversary of the ratification of the Nineteenth Amendment to the United States Constitution.

HCR 88 by Crabb, congratulating W. M. Dewey and Son, Inc., on its 100th anniversary.

HCR 122 by Romo, recognizing the 100th anniversary of the first female legislators.

HB 1527 by Uher (Sponsor-Harris, Chris), relating to designating speaker's day as a day to honor former members of the house of representatives.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on the following: **SB 821** by 30 Yeas, 0 Nays.

Respectfully,
Betty King
Secretary of the Senate

ADJOURNMENT

Representative Rodriguez moved that the house adjourn until 11:10 a.m.

The motion prevailed without objection.

The house accordingly, at 11:02 a.m., adjourned until 11:10 a.m.